



Post Office Box 9010 Addison, Texas 75001-9010 5300 Belt Line Road
(972) 450-7000 Fax: (972) 450-7043

AGENDA

MEETING OF THE TOWN OF ADDISON

CHARTER REVIEW COMMISSION

6:00 P.M.

FEBRUARY 3, 2010

STONE COTTAGE

ADDISON CONFERENCE AND THEATRE CENTRE

15650 ADDISON ROAD

Item #1 - Initial remarks and discussion regarding the Charter Review Commission, including its purposes and objectives.

Item #2- Presentation by Terrell Blodgett regarding city charters and charter review commissions.

Item #3 - Further discussion regarding the Charter Review Commission, including Future meetings and processes.

Item #4- Discussion and consideration of election of chairperson and vice chairperson of the Charter Review Commission.

Adjourn Meeting

Posted: January 31, 2010 at 5:00 P.M.

Lea Dunn - City Secretary

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS
WITH DISABILITIES. PLEASE CALL (972) 450-2819 AT LEAST
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

OFFICIAL ACTIONS OF THE ADDISON CHARTER REVIEW COMMISSION

February 3, 2010
6:00 P.M. – Acacia Room
Addison Conference and Theatre Centre
15650 Addison Road

Present: Bruce Arfsten, Kelly Blankenship, Burk Burkhalter,
David Griggs, Linda Groce, Margie Gunther, Neil Hewitt, Susan
Hayes, Lance Murray, Bill Perry, Paula Ransom, Neil Resnik,
Roy Stockard

Absent: Suzie Oliver

Item #1 - Initial remarks and discussion regarding the Charter Review
Commission, including its purposes and objectives.

Ms. Lea Dunn, Deputy City Manager, discussed the role of the
Commission and its charge from the Council. No action was
taken.

Item #2 - Presentation by Terrell Blodgett regarding city charters and
charter review commissions.

Mr. Terrell Blodgett, Mike Hogg Professor Emeritus in Urban Management,
Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, made
a presentation to the group on the importance of a Home Rule Charter, the Role
of the Charter, Basic Provisions of a Charter, Concept and History of Local Self-
Government, and the Hierarchy of Laws. No action was taken.

Item #3 - Further discussion regarding the Charter Review Commission,
including future meetings and processes.

The Group discussed various options for ways to work through the Charter, and
came to a consensus to discuss Articles I-IV for February 10, 2010, Articles 5-7
and the three clean-up items from the City Attorney's office on February 24,
2010, Articles 8-11 on March 10, 2010. The group discussed working on a draft
report on March 31, 2010, and finishing up with a final report on April 14, 2010.
There were no votes taken.

Item #4 - Discussion of and consideration of election of chairperson and
vice chairperson of the Charter Review Commission.

Commissioner Burkhalter moved to elect David Griggs as Chairman of the Charter Review Commission. Roy Stockard seconded. After some discussion, Commissioner Griggs indicated he might not have time to be the Chairman, but would be happy to be the Vice Chairman. Commissioner Burkhalter then amended his motion to elect Linda Groce as the Chairman and David Griggs as the Vice Chairman. Commissioner Resnik seconded. Motion carried.

Voting Aye: Arfsten, Blankenship, Burkhalter, Griggs, Groce, Gunther,
Hewitt, Hayes, Murray, Perry, Ransom, Resnik, Stockard
Voting Nay: None
Absent: Oliver

There being no further business before the Commission, the meeting was adjourned.

Presentation to Initial Meeting of the Addison Charter Review Commission

By: Terrell Blodgett

Mike Hogg Professor Emeritus in Urban Management
Lyndon B. Johnson School of Public Affairs
The University of Texas at Austin

February 3, 2010

Your Charge

- Why you were appointed

- **Section 11.29. Charter Review Commission**

Whenever allowed by law, the Town may appoint a Charter Review Commission composed of citizens of the Town of Addison. Each member of the Council shall have the right to appoint two (2) members to the said Commission. However, the Council shall appoint a Charter Review Commission at least every ten (10) years to review the Charter and make recommendations as to any suggested changes.

Importance of a Home Rule Charter

- As Addison's basic governing document, it has only been changed three times in 32 years
- It is a document we do not want to trifle with

Role of the Charter

- Lay out basic organizational and operating structure of the City and its basic principles of Government

Basic Provisions of Charter

Include:

- Structure and basic elements of governing body:
 - Number on Council
 - Terms of Office
 - Operating Procedures – meetings, etc.
- Basic Administrative Structure
 - Selection and Duties of City Manager
 - Provision for Basic Departments
- Financial Structure
 - Budget,
 - Bonded debt, etc.
- Minimum of Provisions that can be left to Ordinances

Concept and History of Local Self-Government

- Texas cities originally governed and controlled entirely by state Legislature
- In early 1900s, Legislature realized that its capacity to debate and resolve issues of statewide importance was being usurped disproportionately by the attention it gave to city charters, and Texas cities were clamoring for more independence and freedom of action.
- In 1912, voters passed state constitution amendment authorizing "home rule charters" for cities of over 5,000 population.
- In 1913, Legislature passed enabling act – 24 cities had already adopted charters.
- Today, over 350 cities in Texas have adopted charters; only a handful have not.
- Addison adopted its charter in 1978; to date, amendments have been adopted by Addison voters only three times – 1982, 1988, and 1993.
- Addison charter calling for council-manager government is in effect in over 330 cities.

Hierarchy of Laws

	Federal	State	City
Basic Governing Document	Constitution	Constitution	Charter
How Changed?	By Voters	By Voters	By Voters
Frequency	Multi-Year Process	1-2 Years	Minimum of 2 years
Other Governing Action	Statute	Statute	Ordinance
How Changed?	Governing Body	Governing Body	Governing Body
Frequency	Daily	Daily	Every 2 Weeks
Precedence of Actions	Constitution, Statutes, Regulations	Constitution, Statutes, Regulations	

All of the above outrank: City Charter, Ordinances, Resolutions, Regulations.

2003 Commission Issues:

Section 2.02.	Qualifications
Section 2.10.	Meetings of the City Council
Section 3.02.	Term and Salary
Section 5.05.	Proceedings on adoption of budget.
Section 5.16.	Where payable; no demand necessary
Section 5.27.	Payment, delinquency, penalties
Section 6.02.	Franchises; power of the City Council
Section 8.03.	Nominations
Section 8.04.	Terms of Office
Section 11.04.	Restriction of sale of alcoholic beverages

Gender and Year Language

TOWN OF ADDISON, TEXAS

RESOLUTION NO. R09-025

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS PROVIDING FOR THE ESTABLISHMENT OF A CHARTER REVIEW COMMISSION, THE APPOINTMENT OF COMMISSION MEMBERS, CERTAIN PROCEDURAL MATTERS REGARDING THE COMMISSION, AND OTHER MATTERS RELATED TO THE COMMISSION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas ("City") is a home rule municipality pursuant to Article 11, Section 5 of the Texas Constitution, certain provisions of the Texas Local Government Code (including, without limitation, Section 5.004, Chapter 9, and Section 51.072(a)), and its Home Rule Charter ("Charter"), and possesses the full power of local self-government; and

WHEREAS, the City Charter provides in Section 11.29 thereof that, whenever allowed by law, the City may appoint a Charter Review Commission composed of citizens of the City, and further provides in Section 11.29 that the City Council must appoint a Charter Review Commission at least every 10 years to review the Charter and make recommendations as to any suggested changes; and

WHEREAS, as set forth herein, the City Council desires to appoint a Charter Review Commission to review the City Charter and to make recommendations to the City Council as to any suggested changes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Charter Review Commission; Purpose; Membership; Report; Termination; Other Matters. The City Council does hereby establish a Charter Review Commission ("Commission"). The sole purpose of the Commission is to review the City Charter and to make recommendations to the City Council as to any suggested changes; such recommendations shall be submitted in a written and oral final report ("Final Report") to the City Council by no later than August 10, 2010. The Commission shall consist of 15 members, appointed as follows: each Council member will appoint two (2) members to the Commission, and the Mayor will appoint two (2) members to the Commission. The Council will complete its appointment of members to the Commission by no later than December 8, 2009. Each member of the Commission shall be a citizen of the Town. The Commission shall serve solely in an advisory capacity to the City Council, and each member of the Commission serves at the pleasure of the City Council and may be removed by the City Council from the Commission at any time and for any reason or for no reason.

Upon the submission of the Final Report (or any other report or information) by the Commission to the City Council, the City Council may take any action or no action regarding the same. The City Council may, on its own motion and in its sole discretion, choose to submit to

the City's qualified voters, for their consideration of approval at an election, none, some, or all of the recommended changes to the Charter submitted by the Commission; further, the City Council may, on its own motion and in its sole discretion, choose to modify any of such recommended changes or choose to propose other changes to the Charter and to submit the same to the City's qualified voters for their consideration of approval at an election.

The Commission may be terminated or discontinued by the City Council at any time and for any reason or for no reason, at which time the membership of each then-current member shall terminate. The termination, discontinuance, or extension of the Commission by the City Council, and the appointment or removal of a member of the Commission by the City Council, may be by motion or other action duly adopted by the City Council. In any event, unless extended by the City Council, the Commission shall be terminated and discontinued upon the submission of the Final Report to the City Council.

If any member of the Commission misses three (3) meetings of the Commission, the member shall be deemed to have automatically resigned and vacated the member's position on the Commission, and the member of the City Council who appointed such member may appoint a new member to the Commission. Members of the Commission shall receive no compensation for their service on the Commission.

Section 2. Process; Meetings. The Commission shall elect one of its members to be Chairperson and one of its members to be the Vice-Chairperson of the Commission. The Chairperson, or in the Chairperson's absence, the Vice-Chairperson, shall preside at all meetings of the Commission. In the absence at a meeting of both the Chairperson and the Vice-Chairperson, an Acting Chairperson shall be selected by a majority of the members present at such meeting to preside at the meeting. The City Manager may assign a City Staff representative or representatives to work with and to serve the Commission.

Meetings of the Commission may be held (i) on the call of the Chairperson, or (ii) on request of two or more Commission members, or (iii) as may be scheduled by a majority of the Commission at any previous meeting. An agenda shall be prepared for each meeting of the Commission, a copy of which shall be posted in the same manner as for agendas of the City Council. The time and place of a meeting shall be determined by the Commission, but all meetings shall be held within the City. Except as otherwise authorized or permitted by law, meetings of the Commission shall be open to the public.

A quorum of the Commission shall consist of 8 members (that is, a majority of the entire membership of the Commission). The affirmative vote of a majority of the members of the Commission present at a Commission meeting shall be necessary to adopt or approve any matter or to take any action. The minutes of the Commission's proceedings shall show the vote of each member, or if absent or failing to vote shall indicate that fact.

Section 3. Effective Date. This Resolution shall take effect from and after its adoption.


Joe Chow, Mayor

ATTEST:

By: 
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: 
John Hill, City Attorney

Charter Review Commission Process

Date and Time	Location	Task	Group
January 12, 2010		Appoint final members to Charter Review Commission	City Council
January 15, 2010		Letter goes out from Mayor to each appointee advising them of task and schedule	Mayor Chow, staff
February 3, 2010		Initial meeting and charge to Commission Election of Chair and Vice Chair	Charter Review Commission
February 10, 2010 6:00 p.m.	Stone Cottage Addison Conference and Theatre Centre 15650 Addison Road	Second Commission meeting, first public hearing on Charter issues	Charter Review Commission
February 24, 2010 6:00 p.m.	Acacia Room Addison Conference and Theatre Centre 15650 Addison Road	Third Commission meeting, second public hearing on Charter issues	Charter Review Commission
March 10, 2010 6:00 p.m.	Buckthorn Room Addison Conference and Theatre Centre 15650 Addison Road	Fourth Commission meeting, third public hearing on Charter issues	Charter Review Commission
March 31, 2010 5:00 p.m. *	Stone Cottage Addison Conference and Theatre Centre 15650 Addison Road	Fifth Commission meeting, fourth public hearing on Charter issues	Charter Review Commission
April 14, 2010 6:00 p.m.	Stone Cottage Addison Conference and Theatre Centre 15650 Addison Road	Public Hearing and review of Draft Report to the Council	Charter Review Commission
April 28, 2010 6:00 p.m.	Addison Conference and Theatre Centre 15650 Addison Road (room to be determined)	Review of Draft Report to the Council	Charter Review Commission
May 5, 2010 6:00 p.m.	Addison Conference and Theatre Centre 15650 Addison Road (room to be determined)	Review of Final Report to the Council	Charter Review Commission
May 25, 2010 7:30 p.m.	Town Hall 5300 Belt Line Road	Presentation of Final Report to the Council	Charter Review Commission and City Council
June 8, 2010		Council work session on Commission Report	City Council
June 22, 2010		Council work session on Commission Report	City Council
July 13, 2010		Final discussion and decision on Commission Report	City Council
IF THE COUNCIL DECIDES TO HOLD AN ELECTION:			
August 10, 2010		Recommended date to order election including amendments to be voted on	City Council
August 24, 2010		Last day authorized by statute to order the election.	City Council
October 18, 2010		First Day of Early Voting by Personal Appearance	Addison Voters
October 29, 2010		Last Day of Early Voting by Personal Appearance	Addison Voters
November 2, 2010		Date of Charter Election	Addison Voters
November 10, 2010		Results of election are canvassed at Regular Council meeting.	City Council

*Town Meeting will be held on this date at 7:00 p.m. in the Conference Centre

Charter Commission Report to Council 2003

Proposed Revisions

Section 2.02 Qualifications

The members of the City Council shall be qualified voters of the Town of Addison who have been residents of the Town for at least one year Preceding election day and who shall never have been convicted of a felony offense or any offense involving moral turpitude.

Discussion: The changes proposed in this section were made to clarify that the 1 year Town residency is defined as 1 year preceding election date as provided for in State Law.

Section 2.10. Meetings of the City Council.

In at least 11 months of each year, the City Council shall hold at least one or more regular meeting at a time to be fixed by it for such regular meetings, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the Town and its citizens. Except as allowed by state law, all meetings of the City Council shall be open to the public and shall be held and notice given in accordance with applicable provisions of State law. Meetings shall be held at the Town Hall, except that the City Council may designate another place for such meetings and shall take such action as is reasonable and necessary to accommodate the public. Special meetings of the Council may be called by the Mayor or four (4) Council members giving written notice of such meetings to the City Secretary, who shall notify each member of the Council and the City Manager of the time and place of each meeting and the purpose for which it was called.

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Discussion: The Charter Commission felt that since the City Council does not traditionally meet in July, it was important to modify this section to reflect that practice.

Section 3.02. Term and salary.

The City Manager shall not be appointed for a definite term and may be removed at the will and pleasure of the City Council by a vote of at least four (4) members of the Council. If removed after serving three (3) months, the City Manager may demand written charges and the right to be heard thereon at a public meeting of the Council prior to the date on which the City Manager's final removal shall take effect; but pending such hearing the City Council may suspend the City Manager from office. The motion of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all

responsibility of such suspension or removal in the Council. The City Manager shall receive compensation as may be fixed by the Council.

Discussion: The Commission was of the opinion that a City manager who may be facing the possibility of removal from office should have the right, if he or she so desires, to demand written charges and the right to be heard in a public meeting.

Section 5.05. Proceedings on adoption of budget.

After public hearing, the Council shall analyze the budget, making any additions or deletions which they feel appropriate, and shall, at least three (3) days prior to the beginning of the next fiscal year, adopt the budget by a favorable majority vote. If the Council fails to adopt the budget, the Town shall in the ensuing fiscal year continue to operate under the budget for the previous fiscal year which shall serve as a fully funded new budget for the ensuing fiscal year until such time as the Council adopts a budget for the ensuing fiscal year.

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Discussion: The intent of this proposed change is to clarify that should the City Council for whatever reason fail to adopt a budget prior to the beginning of the next fiscal year, the Town would continue to operate under the existing budget. The existing budget would be fully funded and would serve as the new budget for the ensuing fiscal year until Council took action to adopt a budget.

Section 5.16. Where payable; no demand necessary.

All taxes shall be payable at the office of the Collector and Assessor of taxes for the Town of Addison or at such other places as may be specifically designated by the Council.

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No demand for such taxes shall be necessary, but it is the duty of the taxpayer to make such payment of such taxes in United States currency, or by such other method as approved by the City Council within the time specified.

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Discussion: The purpose of this modification was to track the changes that the Town is implementing as a result of contracting with Dallas County for the collection of taxes. In addition language was added to give Council flexibility regarding the type of payments that will be accepted for payment of taxes.

Section 5.27. Payment, delinquency, penalties.

The taxes herein and hereby authorized to be levied shall become due and payable October 1 of the year assessed, and the same shall be payable in United States currency, or by such other method as approved by the City Council at the office of the Assessor and Collector of taxes or at such other places as may be specifically designated by the Council. Taxes shall be deemed and become delinquent if not paid prior to February 1, the year following assessment, and such delinquent taxes shall be subject to a penalty and shall bear interest at the rates prescribed by

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Ordinance of the City Council. In addition to such penalties and interest, a delinquent taxpayer shall be subject to the payment of all costs and expenses that may be incurred in the collection of such taxes through any method provided by this Charter and/or the laws of the State of Texas, and such penalties and interest shall be collected in the same manner as other taxes. The Council may by Ordinance provide that all taxes, either current or delinquent, due to the Town of Addison may be paid in installments except that such installments shall not exceed, one year.

Discussion: As with the preceding section, language was added that tracks the changes the Town is implementing as a result of contracting with Dallas County for collection of taxes.

Section 6.02. Franchises; power of the City Council.

The City Council shall have power by Ordinance to grant, amend, renew and extend, all franchises of all public utilities of every character operating within the Town of Addison. A summary of all Ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two (2) separate regular meetings of the City Council, and any such Ordinance shall not be finally passed until thirty (30) days after the first reading; and no such Ordinance shall take effect until thirty (30) days after its final passage; and pending such time, a summary of such Ordinance shall be published once a week for four (4) consecutive weeks in the official newspaper of the Town of Addison, and the expense of such publication shall be borne by the proponent of the franchise, and shall be posted for a period of four (4) consecutive weeks at the regular place of posting of City Council meeting agendas. No public utility franchise shall be granted for a term of more than twenty (20) years; nor shall same be transferable, except with the approval of the City Council, expressed by Ordinance.

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Discussion: The purpose of this proposed change is to streamline a process which has been rather cumbersome as well as costly. The Commission felt that publishing a summary of the Ordinance once and then providing that it is posted for 4 consecutive weeks gives more than sufficient notice to the public.

Section 8.03. Nominations.

Any person having the qualifications required by this Charter may place his own name in nomination as candidate for Mayor or Councilman by filing with the City Secretary, or may be placed in nomination by a petition signed by qualified voters of the City eligible to vote for the candidate equal in number to the minimum number of signatures required for a candidate petition by the Texas Election Code, as amended, and such signatories shall be designated as his sponsors. No voter shall sign more than one petition and should a voter do so, his signature shall be void except as to the petition first filed. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it.

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Persons who desire to be candidates, or petitioners placing a name in nomination, must file with the City Secretary an application for a place on the ballot within the time period for filing such application set forth in the Texas Election Code, as amended.

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May 20, 2003

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Acknowledgment of nomination by each nominee will be in writing and will be accepted by the City Secretary or other persons authorized to administer oaths under the laws of the State of Texas.

Any person who has placed his own name in nomination or has been placed in nomination by petition shall file with the City Secretary an application for a place on the ballot and take the following oath:

"I do hereby declare that I accept the nomination for the Council and agree to serve if elected. I am _____ years of age, a qualified voter of the Town of Addison, and I am or will be a resident of the State of Texas for at least one year immediately preceding the date of the regular filing deadline for a candidate's application for a place on the ballot and of the Town of Addison or an area now within the corporate limits of the Town of Addison for at least one year immediately preceding election day. I am not in arrears in the payment of any taxes or other liability due the Town. At the present time, I reside at _____ Street in the Town of Addison."

Signature of candidate _____

Date and hour of filing _____

Received by: _____

(Signature of City Secretary)

The petition placing a person in nomination shall be in the following form:

"We, the undersigned voters of the Town of Addison, hereby nominate and sponsor _____, whose residence is _____, for the office of _____, to be voted for at the election to be held on the _____ day of _____, _____, and we individually certify that we are qualified to vote for a candidate for Mayor or Councilman and that during the current election we have not signed any other nominating petition for that office."

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Name _____ Street and Number _____

Address from which last registered (if different) _____

Date of signing _____

These above statements will contain the following notarization:

["]State of Texas

County of Dallas

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that the same was subscribed as his free act and deed for the purposes and consideration therein expressed.

Given under my hand and seal of office this the _____ day of _____."

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Discussion: The changes proposed in this section were made to track State law.

Other Items:

The Commission spent a great deal of time discussing two other sections: Section 8.04 (terms of office) and Section 11.04 (restriction of sale of alcoholic beverages). The following summarizes those discussions and the Commission's recommendation.

Section 8.04 – Terms of Office

There was considerable discussion regarding the terms of office for Mayor and Councilmembers. The basic issue was whether to lengthen the number of years in the term or increase the number of terms for the Council. The Commission was in agreement not to lengthen the number of years in the terms because this change would require a majority vote in the election and a special election of any Councilmember did not complete their full term.

The Commission continued to have further discussion about how to enable the Mayor to be more active in the various State and Regional groups and perhaps serve in a leadership role. The thought was to change the Mayor's term to 4 two year terms and the Council to remain 3 two year terms. Those in favor of leaving the terms as is (3 two year terms for Mayor and Council) felt that it provided more opportunity for citizens to serve the community. Since the opportunities to serve were somewhat limited in Addison, it was appropriate to leave the terms as is. After much discussion, the vote was 8 in favor of changing the terms to enable the Mayor to serve 4 two-year terms with 5 voting to leave the section as is. This was one item on which the Commission did not reach an overall consensus.

Section 11.04 – Restriction of sale of alcoholic beverages

As with the preceding issue, the Commission spent a great deal of time discussing this Section. In addition, this was the only item that generated public input at both the May 12 and May 28 meetings. The Commission received input that a restriction on the location of the sale of alcoholic beverages for off-premises consumption was in the original Charter. Matters considered by the Commission included, among others, the relative "ease" of law enforcement patrol since the area for such sales is restricted, a concern for the proliferation of the location of such sales (even if limited to beer and wine), and the uncertainty under current law of the future enforcement of the provision if amended. After considerable discussion, the Commission voted 12 to 1 to leave the provision as is.

Gender and Year Language

The Commission recommended that any reference throughout the Charter to "Councilman" be changed to "Councilmember" and the year 19xx be changed to 20xx.